

11/19/99
JCSIS U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Date of Deposit November 19, 1999

Docket No. MELO 103 DIV I

Prior Application:

Examiner: S. Gilbert

Art Unit: 3736

JCSIS U.S. PTO
09/442284

11/19/99

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Name Bobby Moy
(typed or printed)

Signature Bobby Moy

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

BET
3-30-00
#2/PRE
AMDT
A

This is a request for filing a [] continuation
[X] divisional application of pending prior application Serial No.
08/936,058 filed on September 23, 1997 for Intraluminal Radiation
Treatment System.

1. Enclosed is a copy of the prior application, including the oath or declaration as originally filed.

I hereby verify that the attached papers are a true copy of prior application Serial No. 08/936,058 as originally filed on September 23, 1997 and further that this statement is made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2. ☒ The filing fee is calculated below pursuant to the claims ~~as~~ filed in the prior application:

a. ☒ less any claims canceled by Amendment below.

b. ☐ after entering the attached Preliminary Amendment.

☒ Small Entity

For	Number Filed	Number Extra	Rate	Fee
Total Claims	7	-	x \$ 9	\$
Independent Claims	4	1	x \$39	\$ 39.00
Multiple Dependent Claims (minimum fee - additional charge may be due under total claim calculation - See 37 CFR §§ 1.16(d) and 1.75(c))			\$130	
Basic Fee (minimum amount required)				\$380.00
Total Filing Fee				\$419.00

☐ Other than Small Entity

For	Number Filed	Number Extra	Rate	Fee
Total Claims	4	-	x \$18	\$ -
Independent Claims	2	-	x \$78	\$ -
Multiple Dependent Claims (minimum fee - additional charge may be due under total claim calculation - See 37 CFR §§ 1.16(d) and 1.75(c))			\$260	
Basic Fee (minimum amount required)				\$760.00
Total Filing Fee				

3. ☐ The Commissioner is hereby authorized to charged any additional fees which may be required, or credit any overpayment to Account No. 50/1039. A duplicate copy of this sheet is enclosed.
4. ☒ A check in the amount of \$419.00 is enclosed.
5. ☒ Cancel in this application original claims 1-18, 23-37, and 41 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing.)
- ☐ Enter the enclosed Preliminary Amendment prior to calculating the filing fee.
6. ☒ Amend the specification by inserting before the first line the sentence: --This is a ☐ continuation, ☒ division, of application Serial No. 08/936,058, filed September 23, 1999.--
- ☐ Amend the specification per the attached Preliminary Amendment.
7. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 C.F.R. § 1.138 and before payment of base issue fee.)

- ☐] New formal drawings are enclosed.
- ☐] Informal drawings are enclosed.
8. ☐] Priority of application serial no. _____
filed on _____ in _____
is claimed under 35 U.S.C. § 119.
- ☐] The certified copy of the priority application has
been filed in prior application serial no. _____
_____, filed _____.
9. ☒] With respect to the prior co-pending U.S.
application from which this application claims
benefit under 35 U.S.C. § 120 the inventor(s) in
this application are:
- a. ☐] the same.
- b. ☒] less than those named in the prior
application and it is requested that the
following inventor(s) for the prior
application be deleted: Martin B. Tobias

_____.
10. ☐] The inventorship for all the claims in this
application is:
- a. ☐] the same.
- b. ☐] not the same, and an explanation,
including the ownership of the various
claims at the time the last claimed
invention was made, is submitted.

11. [] The prior application is assigned of record to
Novoste Corporation.

12. [] The power of attorney in the prior application is
to: Stephen B. Heller, registration no. 30,181 of
Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
200 West Adams Street, Suite 2850
Chicago, IL 60606

a. [X] The power appears in the original papers
in the prior application.

b. [] Since the power does not appear in the
original papers, a copy of the power in
the prior application is enclosed.

c. [X] Address all future communications to:

Stephen B. Heller
Cook, Alex, McFarron, Manzo, Cummings
& Mehler, Ltd.
200 West Adams Street - Suite 2850
Chicago, IL 60606

Respectfully submitted,

Date: 19 November 1999

Stephen B. Heller
Stephen B. Heller
Registration No. 30,181

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